

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of this application in view of the foregoing amendments to the claims and the following comments.

The Office Action mailed March 22, 2005, set forth the following claim rejections:

- In paragraph 4, claims 1, 3-5, 7, 11-12, 32-39, and 41 were rejected under 35 U.S.C. § 102(e), as allegedly anticipated by U.S. Patent No. 6,096,425 to Smith (the "Smith patent").
- In paragraph 6, claims 2, 40, and 42 were rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over the Smith patent in view of U.S. Patent No. 6,113,811 to Kausch et al. (the "Kausch patent").
- In paragraph 7, claims 6 and 8-10 were rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over the Smith patent in view of U.S. Patent No. 6,127,505 to Slagel (the "Slagel patent").

Applicants respectfully traverse these rejections.

In response to the rejections, Applicants have amended independent claims 1, 39, and 42, as well as dependent claim 32, to more particularly define the optical-quality polarized part of the invention and thereby to distinguish more clearly over the cited patents. Dependent claims 11 and 12 also have been amended, to modify the scope of the added coating element. No new matter has been introduced by these amendments.

These amendments, and the distinctions of the claimed invention from the cited patents, are discussed below.

The Rejection of Claims Under 35 U.S.C. §§ 102(e) and 103(a)

As mentioned above, claims 1, 3-5, 7, 11-12, 32-39, and 41 were rejected under 35 U.S.C. § 102(e), as allegedly anticipated by the Smith patent. In addition, remaining claims 2, 6, 8-10, 40, and 42 were rejected under 35 U.S.C. § 103(a), as alleged obvious over the

Smith patent in view of either the Kausch patent or the Slagel patent. These are basically the same prior art rejections as had been made in the prior Office Action, dated September 28, 2004.

In support of these rejections, the Examiner asserted as follows:

"... Smith discloses an optical-quality polarized part (fig. 1) comprising an optical construct (1, 2, 4 and 5) comprising a first layer (1 and 2) and a second layer (4 and 5), each layer comprised of a high impact polyurethane-based optical material (2 and 4, column 3, lines 22-23 and 34-36), and each layer having a bonding surface (fig. 1) and wherein the first layer has sufficient structural integrity to maintain optical power (column 3, lines 15-16), and; a polarizer (3) . . . having a first side (next to 2) and an opposing side (next to 4) where in the first side and second side of the polarizer are integrally bonded to the bonding surfaces of the respective first and second layers of the optical construct across (sic), in prescribed place thereon (fig. 1) . . ."

Office Action dated March 22, 2005, page 3.

Applicants disagree with the Examiner's characterization of the Smith patent's disclosure. Smith's polarized laminate includes *five* distinct layers: a polarizer (3); two polyurethane adhesive film layers (2, 4) laminated to opposite sides of the polarizer (3); and two plastic layers (1, 5) laminated to the outer surfaces of the adhesive film layers (2, 4). Each of these five layers is separate and distinct from the other layers. Yet the Examiner is now taking the position that the plastic layer (1) and the adjacent polyurethane adhesive film layer (2) of Smith's laminate constitute just a single layer. This is improper. The layers (1) and (2) are *separate* layers.

All three of Applicants' independent claims define an optical-quality polarized part comprising a "first layer" having the following features:

- "comprised of a high impact polyurethane-based material";

- “[having] a bonding surface . . . [to which the first side of the polarizer is] “integrally bonded”;
- “[having] sufficient structural integrity to maintain optical power.”

The laminate of the Smith patent includes an adhesive layer (2) comprised of a polyurethane-based optical material and having a bonding surface bonded to a polarizer. However, this adhesive layer (2) has a thickness of merely 0.1 mm, and it functions as an adhesive. Consequently, it lacks sufficient structural integrity to maintain optical power. The Examiner seeks to overcome this deficiency by arguing that Smith's adhesive layer (2) and an adjacent plastic layer (1), *together*, possess the recited feature of having “sufficient structural integrity to maintain optical power.” This requires an improper construction of the claim term “layer” to encompass more than just a single layer. Smith's adhesive layer (2) and adjacent plastic layer (1) are separate and distinct layers; Smith's laminate lacks a single layer having all three of the recited features. For these reasons, the rejections of claims based all or in part on the Smith patent are improper and should be withdrawn.

Despite the Examiner's improper construction of the claim term “layer” to encompass more than a single layer, Applicants, by this Amendment, have amended independent claims 1 and 42 to specify that the recited first layer is “homogeneous,” and they have amended independent claim 39 to specify that the recited first and second layers both are “homogenous.” Dependent claim 32, similarly, has been amended to specify that the recited second layer is “homogeneous.” Thus, in all of the claims presented for reconsideration, a single, *homogeneous* layer must have all three recited features of (1) comprising a high impact polyurethane-based optical material; (2) having a bonding surface bonded to a polarizer; and (3) having sufficient structural integrity to maintain optical power. The laminate of the cited Smith patent lacks such a layer.

No new matter has been introduced by the claim amendments adding the term “homogenous.” Support for the term is found throughout the written description and drawings, including paragraphs 65-66 and FIGS. 3-5.

In addition, to distinguish the claimed invention even further from the disclosure of the Smith patent, Applicants also have amended independent claims 1, 39, and 42 to specify that the optical-quality polarized part "is *free of* any structural layer that is (1) bonded to a side of the first layer of the optical construct opposite the polarizer, and (2) solidified prior to such bonding." The Smith laminate lacks this feature, because its plastic layers (1,5) on the sides of the adhesive layers (2,4) opposite the polarizer (3) exist in a solid form *prior to* lamination. See, for example, the two Examples of the Smith patent, in which the plastic layers (1,5) are 19 inch x 19 inch x 0.25 mm polycarbonate sheets prior to lamination.

The newly added claim feature calling for the polarized part to be free of the specified structural layer is supported throughout the written description and drawings. (See, paragraphs 55-57 of the published patent application, step 60 of the flowcharts of FIGS. 3-6, and original claim 11.) As should be clear from this disclosure, only certain optional coatings are contemplated to be bonded to the side of the optical construct opposite the polarizer. These optional coatings are specified to include scratch-resistant or hard coatings, tinted coatings, or mirror coatings, and they are specified to be applied in the liquid state by roll, spin or dip coating, or by vacuum deposition. These optional coatings, thus, do not exist in a solid form prior to being bonded to the optical construct.

For these reasons, the § 102(c) and § 103(a) rejections of claim 1-12 and 33-42 are improper and should be withdrawn.

Dependent claims 11 and 12 also have been amended, to modify the characterization of the added "coating" element. Specifically, claim 11 now defines the coating to be any kind of coating, not merely a "hard" coating, and it defines the coating to be "integrally bonded to a surface of the optical construct" and to be "produced by liquid phase or vacuum deposition." Similarly, claim 12 now defines the coating to be any kind of coating, not merely a "hard" coating, and it defines the coating to be "integrally bonded to the second side of the polarizer" and to be "produced by liquid phase or vacuum deposition."

No new matter has been introduced by these amendments to dependent claims 11 and 12. Support for the amendments is found in paragraphs 55-56 of the written description.

Conclusion


This application should now be in condition for allowance. Issuance of a Notice of Allowance is respectfully requested. If the Examiner believes that a telephone conference with Applicants' undersigned attorney of record might expedite the prosecution of this application, she is invited to call at the telephone number indicated below.

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Respectfully submitted,

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